

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE  
PROCEEDINGS

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**DOH. 17-17**

RE: HEATHER J. THOMAS, RN

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER OF SUSPENSION**

License No. R035409

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Licensee.

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The South Dakota Board of Nursing's ("Board") hearing on the summary suspension of Heather J. Thompson, RN, license number R035409 ("Licensee") came before the Board at its office in Sioux Falls, South Dakota, on February 9, 2018, at 11:15 a.m.

Licensee was initially served with an Order for Summary Suspension and Notice of Hearing dated March 3, 2016, along with an Affidavit of Francie Miller. The hearing was noticed for April 21, 2016, at 1:30 p.m.

Licensee appeared in person at the April 21, 2016, hearing to present evidence on her behalf and to confront witnesses.

The Board appeared by and through its attorney, Kristine K. O'Connell.

At the beginning of the hearing, Licensee advised the Board that she had a pending criminal matter in Pennington County (Docket 51CRI.16-00061), for which the Board had received a complaint and for which it was investigating.

To maintain due process, and to protect the Licensee from making admissions against interest, and being present without counsel, the Board continued the summary suspension hearing so the Licensee could proceed through her criminal matter.

Subsequently, the Board, on May 2, 2016, entered an Order continuing the hearing on the Board's Order of Summary Suspension pending completion of Licensee's criminal matter.

On December 26, 2017, the Board issued an Amended Notice of Hearing to the Licensee. Said hearing was set to take place on February 9, 2018, beginning at 11:15 a.m. The Amended Notice of Hearing was sent by regular mail and certified mail, to the two last known addresses on file for the Licensee, one in Rapid City and another in Chamberlain.

Licensee did not appear in person to the hearing to present evidence on her behalf or to confront witnesses. The Board appeared by and through attorney Kristine K. O'Connell. Administrative Law Judge Catherine Duenwald presided over the proceeding. The proceeding was transcribed by a court reporter.

The Board considered the evidentiary testimony of Francie Miller, Board Investigator. The Board also considered Exhibit numbered 1 that was entered into evidence. The Board also considered the affidavit and other public documents on file in this case and being charged with the statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

#### **FINDINGS OF FACT**

1. That the Licensee is licensed to practice as a registered nurse in the State of South Dakota and holds license number R035409.

2. That on or about September 18, 2015, the Board received a complaint regarding the Licensee after a resident in Licensee's care noted that her purse was not in its usual location and that her wallet was missing.

3. The evidence obtained in the investigation indicated that the resident's wallet was found wrapped in a ball of bed linens.

4. It was noted that the resident's cards were out of order and her cash was missing.

5. As part of the facility's investigation, the resident's credit union was notified.

6. It was then determined that there had been a transaction for \$63 from the resident's account.

7. A report provided to the Board by the Rapid City Police Department indicated that video evidence from an ATM identified the Licensee as the one involved in the transaction.

8. Licensee pled guilty to a class 6 felony for identity theft.

9. Licensee received a suspended imposition of sentence.

10. Subsequent records revealed that Licensee violated the terms of her suspended imposition in terms at which time it was revoked.

11. Licensee continues on probation.

From the foregoing findings of fact, the Board draws the following:

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.

2. That the Licensee's conduct as identified in the findings of fact is in violation of SDCL §§ 36-9-49 (5), (7) and (10).

THEREFORE, let an order be entered accordingly.

### ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

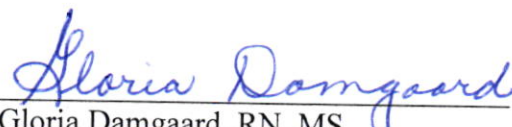
1. That the Licensee's license to practice nursing in the State of South Dakota is hereby indefinitely suspended.

2. That the Licensee is hereby notified that any practice of or holding herself out as a registered nurse during the term of this suspension is in violation of SDCL § 36-9-68.

3. That Licensee may petition for reinstatement of her license at any time for "good cause" pursuant to SDCL § 36-9-57.

Dated this 14<sup>th</sup> day of March, 2018.

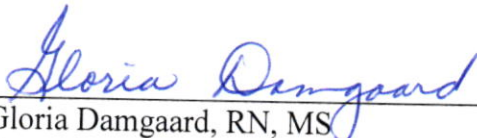
SOUTH DAKOTA BOARD OF NURSING

  
Gloria Damgaard, RN, MS  
Executive Director

The South Dakota Board of Nursing, at the hearing on the 9<sup>th</sup> day of February, 2018, approved this Order of Suspension as written by a vote of 8-0, and issues its Order of Suspension consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of the South Dakota Board of Nursing on this 14<sup>th</sup> day of March, 2018.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director